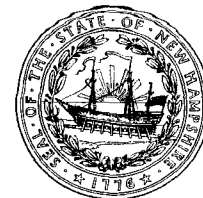




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

May 23, 2006

Vincent Iacozzi
Project Manager
Torrromeo Industries, Inc.
P.O. Box 508
Kingston, New Hampshire 03848

CERTIFIED MAIL (7005 1160 0004 7467 6741)
RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. ARD 06-011
(Sta.S.)

RE: Torrromeo Industries, Inc.
18 Dorre Road
Kingston, NH 03848

Dear Mr. Iacozzi:

On September 23, 2005, a representative of the New Hampshire Department of Environmental Services, Air Resources Division ("DES") visited the Torrromeo Industries, Inc. ("Torrromeo") sand and gravel operation in Kingston and noted that several devices may require a permit from DES in accordance with NH Admin. Rules Env-A 100 *et seq.* Torrromeo then submitted a permit application to DES on October 28, 2005. Another site visit was made by DES personnel on March 27, 2006, to obtain more detailed information about the devices. The purpose of this Letter of Deficiency ("LOD") is to notify Torrromeo of the violations discovered during the visits and review of the permit application and to present the necessary actions needed to resolve them. The specific violations are as follows:

1. Env-A 603.01, *Permit Required*, prohibits a person from installing or operating a device that requires a permit without first applying for and obtaining a temporary permit or a state permit to operate. Env-A 607.01, *Specific Applicability for Temporary Permits*, lists the devices that require a permit. Among the specified devices are: A fixed non-metallic mineral processing plant with a design throughput greater than or equal to 25 tons per hour; a portable non-metallic mineral processing plant with a design throughput of greater than or equal to 150 tons per hour; and one or more internal combustion engines that combust liquid fuel with a total heat-input design rating of 1.5 MMBtu/hr or greater.

Torrromeo installed a) a stationary rock crusher with a maximum capacity of 125 tons of aggregate per hour in 1969; b) a portable crushing unit with a maximum capacity of 500 tons of aggregate per hour in 2004; c) an emergency generator with a heat-input design rating of 1.75 MMBtu/hr in 2001; and d) a portable generator with a heat-input design rating of 5.25 MMBtu/hr in 2004. Both generators use #2 fuel oil. Torrromeo submitted a permit application to DES on October 28, 2005, for all four devices.

2. Env-A 907.01, *General Reporting Requirements*, requires any stationary source subject to Env-A 600 to submit an annual emissions report. The report must be submitted for each calendar year of operations no later than April 15 of the following year. Torroneo has not submitted annual emissions reports for calendar years 1994 (when the requirement took effect) through 2005. As part of the permitting process, Torroneo submitted to DES production records since 1998 and fuel usage records since 2002, enabling DES to calculate emissions for those years and to estimate emissions back to 2001.
3. Env-A 705, *Emission-Based Fee*, requires any stationary source subject to Env-A 600 to pay to DES each year an emission-based fee as calculated pursuant to Env-A 705.03. Torroneo has not paid any emission-based fees.
4. Env-A 503, *New Source Performance Standards*, incorporates by reference 40 CFR 60, Subpart OOO, *Standards of Performance for Nonmetallic Mineral Processing Plants*. This standard applies to portable sand and gravel plants and crushed stone plants with capacities of 150 tons per hour or more which commenced construction after August 31, 1983. It requires the owner or operator of such a plant to conduct a visible emissions test within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after initial startup of such facility. The portable crusher has a maximum capacity of 500 tons per hour and was installed in 2004, making it subject to Subpart OOO. The device began operating in October of 2004, so the visible emissions test should have been conducted prior to May 1, 2005. To date, Torroneo has not conducted this test.

DES believes that Torroneo can resolve the above-referenced deficiencies by taking the following actions:

- i. On or before **June 19, 2006**, submit emission-based fees for calendar years 2001 through 2005. The total fees owed are \$1,159.60. A breakdown of emissions and fees by year and an invoice are attached.
- ii. On or before **July 21, 2006**, have a certified Method 9 observer conduct a visible emissions test on the portable rock crusher in accordance with 40 CFR 60.11(b) and 40 CFR 60.675. The relevant opacity standards, established in 40 CFR 60.672, are 10% for transfer points on belt conveyors and 15% for the crusher.
- iii. On or before **August 21, 2006**, submit a written report on the results of the visible emissions test to the attention of Barbara Hoffman, Compliance Bureau, Air Resources Division ("ARD").

As a reminder, if Torroneo decides to install any device that is required to be permitted according to Env-A 607.01, Torroneo shall first apply to DES for a temporary permit. In addition, the annual emissions report is due by April 15 of the following year, so that the report on calendar year 2006 emissions will be due by April 15, 2007. If you have any questions on how to prepare this report, please call Sonny Strickland, ARD Compliance Bureau, at (603) 271-6283.

In the event compliance is not achieved within the time periods indicated, DES may initiate formal action against Torromeo, including issuing an order requiring the deficiencies to be corrected, and/or referring this matter to the NH Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Barbara Hoffman at (603) 271-7874, ARD Compliance Bureau. A current copy of Env-A 100 *et seq.* can be obtained from the DES website at <http://www.des.state.nh.us/Rules/air.htm>, or by contacting the DES Public Information Center at (603) 271-2975.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

Attachments

PGM/blh

cc: R. Kurowski, EPA Region 1
G. Hamel, NHDES Legal Unit
M. Heitz, Chair, Town of Kingston Board of Selectmen
P. Beebe, Registered Agent, Torromeo Industries, Inc.
AFS #3301590883